



**REGULAR MEETING  
MINUTES OF ACTIONS  
Wednesday, May 22, 2013  
Art Pick Council Chambers  
3900 Main Street, Riverside, CA**

**4:30 PM – CASE REVIEW**

**Case Review Roll Call**

Rotker	Smith	Ybarra	Taylor	Ortiz	Jackson	Roberts	Maciel	Adams
✓	✓	O	O	✓	✓	S	✓	✓

✓ = Present    **B** = Absent / Business    **S** = Absent / Sick    **V** = Absent / Vacation    **O** = Absent / Other  
**UE** = Absent / Unexcused    **L** = Late    **LE** = Left Early    **■** = Vacant

**STAFF:** Frank Hauptmann, CPRC Manager; Phoebe Sherron, Sr. Office Specialist

**Public Comment**

This is an opportunity for members of the public to address the Commission on closed session items.

Mr. Jenkins addressed the Commission on his case.

**Closed Session – Case Review**

Pursuant to Government Code Section 54957, the Commission adjourned to Closed Session at 4:40 PM to discuss issues pertaining to PUBLIC EMPLOYEE PERSONNEL MATTERS.

	<b>CPRC CASE NO.</b>	<b>RPD CASE NO.</b>
1)	12-032	PC-12-06025
2)	13-010	PC-13-04018

The Commission recessed at 5:30 PM to reconvene in the Regular Meeting.

## **5:30 PM – REGULAR MEETING**

Audio for the following proceedings is available at [www.riversideca.gov/cprc](http://www.riversideca.gov/cprc).

### **PLEDGE OF ALLEGIANCE**

#### **Regular Meeting Roll Call**

Rotker	Smith	Ybarra	Taylor	Ortiz	Jackson	Roberts	Maciel	Adams
✓	✓	✓	✓	✓	✓	S	LE (6:36)	✓

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#### **Oath of Office**

Assistant City Clerk Sherry Morton will administer the Oath of Office to newly appointed CPRC Commission Members Antonio Ybarra and Robert L. Taylor.

Recently-appointed Commissioners Antonio Ybarra and Robert Taylor took the Oath of Office administered by Eva Miramontes, Deputy City Clerk for the City of Riverside. Commissioners Ybarra and Taylor received a warm welcome from their fellow commissioners.

#### **'Thank You' Presentation**

'Thank You' to Commissioner Claudia Smith for her service to the City of Riverside as a CPRC Commissioner from 2011 to 2013.

Mr. Hauptmann began by saying that during her time with the Commission, Commissioner Smith was a tremendous asset. He then presented her with a gift in remembrance of her service to the Commission and the City of Riverside, noting that she will be greatly missed.

Vice-Chair Jackson said she would miss Commissioner Smith and that she had been a joy to have on the Commission.

Commissioner Rotker welcomed the new commissioners. He then said he was impressed with Commissioner Smith's logic and insight, and said he was concerned that she had to leave due to personal issues. He said he hoped the issues would eventually be resolved and he wished her the best of luck.

Commissioner Ortiz welcomed the new commissioners. He also said that Commissioner Smith would be sorely missed. He said that when he started with the Commission, he had used her as his example because she followed her heart and that while she would be missed, he was glad to have had the opportunity to work with her.

#### **Public Comments**

Christina Duran introduced herself to the new commissioners, telling them that she is active in the Eastside neighborhood and also a member of the Riverside Coalition for Police Accountability (RCPA). She told them that RCPA invites new CPRC members to an RCPA meeting so that their group meets the new commissioners and talks with them in a less formal setting.

Pastor Vivian Stancil said she would be competing in a swimming competition being held at the Rose Bowl, as well as competing in the Senior Olympics being held in Ohio. She said she is in the process of forming the "Vivian Stancil Foundation", which will provide financial assistance to people competing in sports events.

### **Approval of Minutes**

<b>Minutes for Approval</b>	<b>Motion</b>	<b>Second</b>	<b>Approve</b>	<b>Oppose</b>	<b>Abstain</b>
<b>A) April Regular Meeting</b>	Rotker	Adams	<b>Rotker Smith Ortiz Jackson Maciel Adams</b>	0	Ybarra Taylor

### **Outreach**

#### **A) May Outreach**

Commissioner Adams:

- May 4 – 106<sup>th</sup> Cinco de Mayo Festival, Casa Blanca
- May 8 – Mayor's Night Out
- May 15 – Ward 3 Council Candidate Forum

Commissioner Maciel:

- May 20 – "Safe In His Arms" Memorial
- 1-on-1

Chairwoman Roberts (reported by Vice-Chair Jackson):

- NACOLE Financial Meeting
- NACOLE Internal Financial Review
- "Race for Space" Banquet at Riverside Christian School; several 1-on-1s
- City Council Meeting at which
  - Mayor Bailey presented Chief Diaz with a proclamation for Peace Officer Memorial Month;
  - Courtney Christianson recognized her grandfather, Leonard Christianson, who died in the line of duty in 1971
  - Mayor Bailey called on Andrew de Nuzio, a Riverside Christian High School student, to introduce the "Race for Space" program; 1-on-1s with several people regarding the Commission and possible mentors for the science program.

Commissioner Ortiz:

- April 24 – Dollars for Scholars
- May 8 – Mayor's Night Out
- May 23 – Small Business Expo, Riverside Chambers of Commerce
- Upcoming June 8 Chavez Memorial Unveiling

#### **B) Scheduled Outreach Events**

Commissioner Adams:

- May 25 & 26 – Chili Cook-Off and Car Show
- May 25 & 26 – Pow-Wow at UCR
- Taste of Brews
- Wednesday nights in June – Concerts at Fairmount Park

- Friday nights in June – Concerts at California Citrus State Historic Park
- June 15 – Walk with the Mayor in Riverwalk
- June 22 – Mayor & Council's Regatta, Fairmount Park
- June 29 – Ryan Bonaminio Park Grand Opening

**C) Future Outreach Opportunities**

- 1) Input from Outreach Coordinator on upcoming outreach events
- 2) Input from Commission Members on potential outreach events

None were noted.

## OLD BUSINESS

### **Pablo Officer-Involved Death (OID) Case Evaluation**

Continued discussion and action, if any, on this OID evaluation. The Commission has completed Stage II (Fact Finding, Request for Training & Investigation), Stage III (Policy and Procedure Process), and Stage IV (Deliberation and Finding Process). The Commission will proceed to Stage V (Recommendation Process) and Stage VI (Written Public Report) and may also return to discussion of completed Stages, if needed.

Vice-Chair Jackson began by noting that at the last meeting, the Commission had found that the involved officer was not at fault. She then opened the item for discussion at any stage.

Commissioner Rotker asked what else needed to be done since rationales had been submitted and the Commission had voted on a finding.

Vice-Chair Jackson responded that the Commission now had the opportunity to decide on whether or not there were any policy recommendations to be made.

Commissioner Rotker said that commissioners had received information from Mr. Hauptmann that RPD had revised the MDT policy and that any policy concerns the Commission had should be resolved with that revision now in place.

Vice-Chair Jackson asked if Mr. Hauptmann or Asst. Chief Vicino could speak to the recent General Order revising the MDT policy.

Asst. Chief Vicino responded:

- The General Order resulted from this case;
- The new policy is a bit more restrictive, but does allow officers discretionary use for short messages;
- The new policy directs officers to pull over if MDT use will be lengthy or may take their attention off the road;
- RPD can review the revised policy at a future meeting if commissioners have any questions regarding the revised policy.

Vice-Chair Jackson asked commissioners if they felt a review of this nature were needed.

Commissioner Rotker said he felt the revised policy is clear and that nothing more is needed.

Mr. Hauptmann said that copies of the revised policy were provided to commissioners along with other policy changes that have been sent to commissioners after staff has received them from RPD.

Commissioner Adams agreed that the Commission's receipt of the revised policy was sufficient.

Vice-Chair Jackson closed Commission discussion and opened for public comments.

Paul Chavez said it has been more than a year since this incident occurred and that there had been a lot of discussion from investigators that the officer's actions were justified. He said that the reason the accident occurred needed to be addressed and believed use of the MDT was the main reason for the accident. He said that the officer was just coming on duty and asked why officers always have to meet to have dinner together. He said that this incident is an injustice to the community.

Vice-Chair Jackson said the Commission, as a whole, did not believe that MDT use was the cause of the accident. She asked Mr. Chavez if any changes in the landscaping had taken place. He said they had, but that it was sad that it took a death for those changes to take place.

Commissioner Rotker said that it was tragic for both Ms. Pablo and the officer. He said that the revision of the policy shows RPD's flexibility. He then said that as the rationales had been submitted, asked if Mr. Hauptmann would begin work on the public report.

As there was no additional discussion regarding recommendations, Vice-Chair Jackson asked Mr. Hauptmann to begin drafting the public report. Mr. Hauptmann said he would begin working on the report immediately.

### **Romo Officer-Involved Death (OID) Case Evaluation**

Continued discussion and action, if any, on this OID evaluation. The Commission has completed Stage II (Fact Finding, Request for Training & Investigation) and Stage III (Policy and Procedure Process). Commissioners have been given notice concerning discussion of Stage IV (Deliberation and Finding Process). The Commission may proceed to Stage V (Recommendation Process) and Stage VI (Written Public Report) and may also return to discussion of completed Stages, if needed.

Vice-Chair Jackson began discussion by noting that case rationales should have been submitted to Mr. Hauptmann.

Commissioner Rotker asked if the Commission had made its finding and when told it had not, he said that he believed that Mr. Romo presented a very clear threat to the officers involved when he pointed and fired his shotgun at them, with the officers subsequently returning fire. Based on the evidence presented, he said he believes the shooting was within policy.

Vice-Chair Jackson said she would like additional Commission discussion before getting into other evaluation stages. She said that the detectives had a valid search warrant and that she does not believe the officers had any other choice than to take the actions they did.

Commissioner Maciel said that she, too, believes the officers' actions are within policy.

Commissioner Ortiz agreed that the officers' actions are within policy, but believes that Mr. Romo took his own life when he shot at the officers.

Commissioner Smith said that Mr. Romo willfully created a situation where the officers had no choice but to return fire.

Commissioner Adams agreed with her fellow commissioners.

Motion for Approval	Motion	Second	Approve	Oppose	Abstain
The officers' actions are Within Policy	Rotker	Smith	Rotker Smith Ortiz Jackson Maciel Roberts Adams	0	Ybarra Taylor

Vice-Chair Jackson asked if there were any policy recommendations regarding this case. As there were no comments, she voiced her concerns.

Vice-Chair Jackson:

- Det. Ellefson knew that Mr. Romo had a weapon, but thought that his wife had taken it with her.
- Felt the serving of the warrant was given a low-risk assessment, but it elevated quickly.
- Concerned that General Order 3.9 says that plain clothes officers carry their duty weapon, fully loaded, and extra magazines, but Det. Ellefson didn't have any extra magazines; concerned that the detectives made this approach without being fully prepared for the possibility of escalation.
- 3.9 does not require plain clothes officers to wear a vest; a search warrant of this nature is a good example of why a vest should be worn.
- Still not clear if this was assessed as a low-risk search warrant.
  - Asst. Chief Vicino:
    - Each search warrant is reviewed for criminal history of the subject, weapons, etc.
    - An administrative review is done and the concerns you've mentioned have been noted.
    - There's a balance that officers try for: that both they and the suspect are safe.
    - In this case, the officers were not well prepared. These items go back to training, some on an individual basis, while others are Department wide.
- Don't know that the vest was out of policy, but do know that it isn't listed in 3.9.
- Truly believe this was suicide by cop because the suspect knew he was going to be arrested for the child molestation.

Commissioner Smith:

- Questions about review of the subject's criminal history were answered, in part.
- Based on experience working in Mental Health, have concerns as to how extensive the review of the subject is prior to obtaining the warrant and establishing the protocol used in serving the warrant.
  - Asst. Chief Vicino:
    - Some of the facts regarding mental health came to light after this incident.
    - While mental health concerns may have been given some consideration, Mr. Romo didn't have any history of violent crimes or behavior and this, along with his age, played a part in the decisions that were made.
    - Incidents are reviewed so the Department can improve things, but has to be careful not to over-review.

Commissioner Rotker asked Vice-Chair Jackson if she was going to formally make her policy recommendations. She said she wanted to mention her concerns to Asst. Chief Vicino first and was using that as an opening to recommendations.

Commissioner Rotker:

- Is there any other policy that mentions the number of magazines officers in plain clothes should carry?
  - Asst. Chief Vicino:
    - The number of magazines carried is at each officer's discretion.
- Is it at the officer's discretion to wear a protective vest?
  - On the service of a search warrant, they will wear their vests, which is in their Standard Operating Procedures (SOP) and are currently under review.
- Would it be helpful for the Commission to make formal recommendations to the Department that detectives wear their vests during specific cases and that they carry extra magazines?
  - It's always helpful, but it's the Commission's decision.

Vice-Chair Jackson:

- The Commission doesn't have access to the SOPs so some of the suggested recommendations may already be in place.
  - Asst. Chief Vicino:
    - It's healthy to make the recommendations. I can research the concerns, make a determination as to whether or not they have already been addressed, and report on this at a future meeting.

Vice-Chair Jackson asked if there were any other questions or if anyone had recommendations included in their case rationales.

Commissioner Rotker said he had none, but was interested in her comments. He noted that it would have been helpful for officers to have had an extra magazine. Asst. Chief Vicino said the officers were wearing vests so the focus now is on additional magazines.

Vice-Chair Jackson agreed that they were wearing vests, but that General Order 3.9 doesn't mention anything about wearing a vest nor does it require that they wear them. Det. Ellefson had no additional clips for her primary weapon and anytime a plain clothes officer goes out on situations, they carry additional ammunition.

Commissioner Rotker said he would welcome policy recommendations for each of these concerns.

Commissioner Smith had no recommendations but wanted clarification about the processes used to review a subject.

Commissioner Ortiz said he would be willing to consider the recommendations, but the SOP requires vests and policy requires extra ammunition and therefore had concerns that officers would be hamstrung if they are only required to carry extra ammunition for their primary weapon.

Vice-Chair Jackson:

- Det. Ellefson ran out of ammunition and made comments to other officers that she didn't have another clip.
- It should never be assumed that child molesters are low risk.
- There shouldn't have been a situation where Det. Ellefson didn't have another clip.
- The General Order doesn't specify the number of magazines, only that officers have additional ammunition for their primary weapon.

Commissioner Smith said she doesn't know that the Commission needs to make a recommendation if officers have been spoken to by their superiors and feels that the issue of ammunition should be left up to RPD.

Vice-Chair Jackson said that as she couldn't make a motion while acting as chair, she would make her recommendations and send them to staff, after which they would be distributed to the Commission.

Commissioner Rotker said he felt it was premature to start the final report and that he didn't think the report should be written if recommendations were to be included. He said he would like to see them and that they should be discussed at the next meeting. He expressed concern that the officer ran out of ammunition and said he would support tightening up the policy so that there is no ambiguity.

Asst. Chief Vicino said that the Administrative Review addresses the concerns described by Vice-Chair Jackson.

Vice-Chair Jackson asked that the rationales be reviewed and then discussed at the next meeting.

Commissioner Ortiz said he felt recommendations could be added later.

Motion for Approval	Motion	Second	Approve	Oppose	Abstain
That Mr. Hauptmann begin drafting the public report	Adams	Ortiz	Rotker Smith Ortiz Jackson Roberts Adams	0	Ybarra Taylor

Vice-Chair Jackson thanked Asst. Chief Vicino for his information.

Commissioner Smith thanked Asst. Chief Vicino for his support. She said that serving on the Commission has been a phenomenal experience and was grateful for the opportunity.

Vice-Chair Jackson closed this item by encouraging commissioners to begin their review of the Ledezma OID.

## NEW BUSINESS

### Staff Report

Mr. Hauptmann had nothing to report.

### Commission Member Comments

Pursuant to Government Code Section 54954.2, Commission members may use this time to make brief announcements or a brief report on their own activities.

Commissioner Adams said she would miss Commissioner Smith, noting that she was a great asset and friend.

Commissioner Ybarra said that with all the wonderful things that were said about Commissioner Smith, he was sad that he would be able to work with her.

Commissioner Smith:

- Thanked Community Members for their support and for giving the Commission the opportunity to hear the voices of the community; thanked them for their involvement. She said that serving on the Commission gave her the opportunity to look at things outside herself. She said that leaving the Commission was difficult, but had to make that decision
- Thanked the Commissioners for their support and candor; she said she was humbled by the comments tonight. She said she was just a small part of what makes this Commission. She ended by expressing her gratitude to Staff, Mr. Hauptmann and Ms. Sherron, and that they are the rocks that help build a good foundation.

Commissioner Taylor said he was saddened that he wouldn't be able to serve with Commissioner Smith on the Commission.

Commissioner Rotker wished Commissioner Smith good luck.

Commissioner Ortiz said that Commissioner Smith would be missed and that her professionalism was appreciated.



Vice-Chair Jackson again told Commissioner Smith that she would be missed and then welcomed the new commissioners, telling them not to hesitate to reach out to anyone, fellow commissioners or staff.

Mr. Hauptmann advised the new commissioners that he was available 24 / 7. He also told them that it was unfortunate that they won't have the opportunity to listen to Commissioner Smith's perspective and that he had mentioned to Council that Commissioner Smith would be tough to replace.

#### **Items for Future Commission Consideration**

Commissioner Rotker asked if there would be a Special Meeting on June 12. Mr. Hauptmann said there would be.

Vice-Chair Jackson advised the Commission that the Policies, Procedures, & By-Laws Committee was beginning its review of the Policies & Procedures. She asked that commissioners forward any concerns to staff or Committee Chair Rotker.

#### **Adjournment**

The Commission adjourned at 7:15 PM.

Respectfully submitted,

  
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PHOEBE SHERRON  
Sr. Office Specialist